

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMIE KAIPUST, Special Administrator  
of the Estate of Mark S. Kaipust, Jr.,  
deceased, and Special Administrator of  
the Estate of Taylor R. Kaipust,  
deceased;

Plaintiff,

vs.

DAIMLER TRUCK NORTH AMERICA,  
LLC,

Defendant.

**8:23CV437**

**FINAL PROGRESSION ORDER  
(AMENDED)**

The Court grants the parties' Joint Motion to Amend the Final Progression Order, [Filing No. 80](#), for substantial good cause shown.

Accordingly,

IT IS ORDERED that the final progression order is as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings currently set for August 26, 2025 is continued and will be held with the undersigned magistrate judge on **October 28, 2025 at 2:00 p.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is September 2, 2025. Motions

to compel written discovery under Rules 33, 34, 36, and 45 must be filed by September 15, 2025.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, (Fed. R. Civ. P. 26(a)(2)(B)), and non-retained experts, (Fed. R. Civ. P. 26(a)(2)(C)), are:

For the plaintiff(s): May 27, 2025.

For the defendant(s): July 11, 2025.

Plaintiff(s)' rebuttal: July 15, 2025.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is October 27, 2025.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is November 25, 2025.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is November 25, 2025.
- 7) All other deadlines and provisions in the Court's prior final progression orders not amended herein remain unchanged.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. **Such requests will not be considered absent a substantial showing of good cause.**

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

Dated this 9th day of June, 2025.

BY THE COURT:

*s/ Jacqueline M. DeLuca*

United States Magistrate Judge